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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Spurr
Serial No. 09/784,466
Filed: February 15, 2001
For: ACTUATOR ASSEMBLIES

Group Art Unit: 3682
Examiner: Joyce, William C.

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Appellants file this Reply Brief in response to the Examiner's Answer dated April 30, 2003 (Paper No. 12). All fees have been paid. If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds.

REMARKS

In the Examiner's Answer, the Examiner argued that the reversible motor in Arnold "is capable of driving the output member in either a first direction or is capable of driving the output member in a second direction regardless of the spring force" (p. 4). The Examiner also argued that "the output member of Arnold et al. is configured to be displaced in opposite directions" (p. 4). Applicant respectfully disagrees.

Appellant agrees that Arnold discloses a reversible direct-current motor 50 having an output shaft 52 that is connected to a drive screw 36. However, Appellant does not agree that the motor 50 displaces the movable member 8 in opposite directions. The rotary drive movement of the drive screw 36 allows the movable member 8 to be displaced in opposite directions, but the motor 50 itself does not actually displace the movable member 8 in two directions (col. 3, lines 58-64) like the claimed invention.

The Examiner seemed to agree that Arnold does not actually show a motor configured to drive the movable member toward the right as well as toward the left. However, the Examiner asserted that the written disclosure of Arnold "does not preclude the device, if desired, from being configured so the motor drives the movable member in the right direction" (p. 5). Appellant respectfully notes, however, that Arnold can anticipate the claims only if each and every element as set forth in the claim is found. The Examiner is not permitted to assume that Arnold inherently teaches a motor that drives the movable member in both the right and left directions because this feature is not present in Arnold's teachings. See MPEP § 2131 and § 2131.01. It is not enough for Arnold to merely "not preclude" from being configured to drive the movable member in both directions; Arnold must disclose driving the member in the claimed manner to support an anticipation rejection.

Further, as noted throughout prosecution, Arnold does not teach using the reversible motor to assist the spring force if the spring force is not sufficient to actuate the brake cable due to a malfunctioning brake component. As noted above, the Examiner stated that the motor in Arnold "is capable of driving the output member in either a first direction or is capable of driving the output member in a second direction *regardless of the spring force*" (p. 4, emphasis added). However, the Examiner is not permitted to disregard the relationship between the actuator and the spring force since this relationship was explicitly claimed. The motor 50 in Arnold always applies force against the spring biasing force and never assists it (col. 7, lines 46-52), unlike the claimed invention.

Claim 5 of Arnold does not support the rejection. Claim 5 discloses using the motor to drive the movable member further into a brake-applied direction after already being in a brake-applied position. This focuses only on driving the movable member in one direction (to the right) against the biasing force. As explained above, this does not disclose or suggest a motor that drives the movable member (as opposed to simply allowing displacement of the movable member) in two different directions.

With respect to claims 5-7, Appellant reiterate that Arnold does not disclose the operative relationship between the friction detent mechanism and the output member. While the Examiner is allowed to interpret claims broadly, the Examiner is limited to their broadest reasonable

interpretation. Appellant respectfully states that the proposed interpretation by the Examiner is not with reasonable bounds.

For the reasons explained above and in the Appeal Brief, the final rejection of claims 1-7 and 15-21 is improper and should be withdrawn.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C. \

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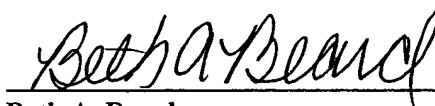
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Dated: May 16, 2003

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